

SECTION 4.4.5 - COMPOSTING FACILITIES

INTRODUCTION:

The Waste and Hazardous Materials Division (WHMD), within the Michigan Department of Environmental Quality (MDEQ), has the responsibility for receiving registration forms from owners or operators of composting facilities that accept yard clippings and that meet certain requirements under the authority of Part 115 of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended. Yard clippings includes leaves, grass clippings, vegetable or other garden debris, shrubbery, or brush and tree trimmings less than 4 feet in length and 2 inches in diameter. It does not include stumps, agricultural waste, animal waste, roots, sewage sludge, or garbage.

The purpose of the registration is for owners or operators to qualify their composting facilities by meeting certain requirements of Part 115. This is to ensure that yard clippings are only taken to facilities that operate in a manner that protects the public health, environment, and public trust.

Facilities accepting other solid wastes for composting may need to obtain a permit and license as a solid waste processing plant under Part 115 depending on the waste (Chapter 4.4.2 Solid Waste Disposal Area Operating License). Discuss operation with the MDEQ Waste and Hazardous Materials Division District Office.

A. NAME OF PERMIT OR APPROVAL:

Registered Composting Facility Form (Form EQP 5228). This form is available on the MDEQ website at www.michigan.gov/deq/waste "Solid Waste" "Composting".

B. STATUTORY AUTHORITY:

[Natural Resources and Environmental Protection Act, 1994 PA 451, as amended by Act 212 of 2007; Part 115 \(Solid Waste Management\)](#), MCL 324.11521.

C. APPLICABLE REGULATION:

Administrative rules are under development

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

Composting facilities that have more than 200 cubic yards of yard clippings and unfinished compost that do not meet one of the following management options must register with the MDEQ. Sites not required to register include:

Composted on the property where the yard clippings are generated.

Temporarily accumulated under specific conditions as listed in Sec 11521(2).

Composted at a composting facility containing not more than 200 cubic yards of yard clippings if decomposition occurs without nuisance.

Composted on a farm registered with the Michigan Department of Agriculture (MDA) under certain circumstances as listed in Sec 11521(3).

Decomposed in a controlled manner using a closed container to create and maintain anaerobic conditions (i.e. anaerobic digester).
Composted and used as part of normal operations by a municipal solid waste landfill under certain conditions.
Processed at a processing plant permitted and licensed under Part 115.
Disposed of in a landfill or an incinerator, but only if the yard clippings are diseased, infested, or are composed of invasive plants that were collected through an eradication or control program, include no more than a *de minimis* amount of other yard clippings, and are inappropriate to compost.

2. General Requirements

Facilities accepting more than 200 cubic yards of yard clippings that do not meet one of the other management options listed in 11521(1) must register and must meet location restrictions and operating requirements identified in Sec 11521(4).

Annual activity reports on forms provided by the MDEQ must be submitted by October 30th of each year summarizing composting activities from October 1 through September 30 of the previous year.

3. Submission Requirements

Submit the required information on the registration form provided by the MDEQ and fee payment for the term of the registration. The owner or operator of an existing composting facility (i.e., a composting facility with operations prior to March 26, 2008) needed to submit a registration form and fee to the MDEQ postmarked by no later than March 26, 2008. A composting facility beginning operations on and after March 28, 2008, needs to submit a registration form and fee prior to beginning operations. Facilities must renew registrations every 3 years from the date of their initial application.

4. Procedures for Obtaining Permit or Approval

This is a self-implementing program; no permits or approvals are issued. A site qualifies as a registered composting site if it submits properly completed registration form and fee payment, annual reports, and operates in accordance with the location restrictions and operating conditions identified in Sec 11521(4).

5. Operations Requirements

Registered sites must meet requirements identified in Sec 11521(4). Location restrictions are dependent when the facility began operations. See guidance available on the MDEQ website at www.michigan.gov/deqwaste "Solid Waste" "Composting".

6. Fees

\$600 for the three-year term of the registration.

7. Appeal process

No formal appeal process is provided for in MCL 324.11521.

8. Public Input Opportunities

Complaints or comments related to a composting facility may be filed with the MDEQ at any time. The complaints will be investigated and if they are validated through a finding of a violation then the MDEQ will pursue corrective actions with the operator. The MDEQ maintains a list of registered composting sites on their program web page.

E. ADMINISTERING AGENCY:

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Waste and Hazardous Materials Division
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